

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BENYEHUDAH WHITFIELD,)
Petitioner,)
vs.) CIVIL NO. 09-cv-678-JPG
MICHAEL RANDLE, et al.,)
Respondents.)

MEMORANDUM AND ORDER

GILBERT, District Judge:

Petitioner, currently incarcerated in the Menard Correctional Center, brings this habeas corpus action pursuant to 28 U.S.C. § 2254 to challenge the denial of good time credits to which he believes he is entitled. He seeks leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (Doc. 2).

Petitioner's motion for leave to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.

The proper respondent in this action, however, is just the warden at the Menard Correctional Center, Donald D. Gaetz. *See* Rule 2(a) of the Rules Governing § 2254 Cases in the United States District Courts. Therefore, Respondents Randle and the Illinois Attorney General will be dismissed from this action.

IT IS HEREBY ORDERED that Respondents Randle and the Illinois Attorney General are **DISMISSED** from this action as improper respondents.

IT IS FURTHER ORDERED that Respondent Gaetz shall, within twenty-three (23) days of receipt of this application for Writ of Habeas Corpus, answer and show cause why the writ

should not issue.

Service upon the Illinois Attorney General, Criminal Appeals Bureau, 100 West Randolph, 12th Floor, Chicago, Illinois 60601 shall constitute sufficient service.

IT IS FURTHER ORDERED that pursuant to Local Rule 72.1(a)(2), this cause is referred to a United States Magistrate Judge for further pre-trial proceedings.

IT IS FURTHER ORDERED that this entire matter be **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

Petitioner is **ADVISED** of his continuing obligation to keep the Clerk [and each opposing party] informed of any change in his whereabouts during the pendency of this action. This notification shall be done in writing and not later than seven (7) days after a transfer or other change in address occurs. Failure to provide such notice may result in dismissal of this action. *See* FED.R.CIV.P. 41(b).

IT IS SO ORDERED.

Dated: March 23, 2010.

s/ J. Phil Gilbert
U. S. District Judge